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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,360	01/28/2002	Marcia Lynn Brandt	ROC919960172US2	5127
7590	03/07/2005		EXAMINER	
IBM Corporation Intellectual Property Law, Dept. 917 3605 Highway 52 North Rochester, MN 55901-7829			PESIN, BORIS M	
			ART UNIT	PAPER NUMBER
			2174	

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/058,360	BRANDT ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Boris Pesin	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Response to Amendment***

This communication is responsive to Amendment A, filed 10/19/2004.

Claims 1-8 and 10-29 are pending in this application. Claims 1, 8, 14, 19, 24, 25 and 27 are independent claims. In the Amendment A, none of the claims were amended. This action is made Final.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Response to Amendment***

The affidavit filed on 10/19/2004 under 37 CFR 1.131 has been considered but is ineffective to overcome the [www.webcrawler.com](http://www.webcrawler.com) reference.

MPEP Section 705.03 states that:

The following parties may make an affidavit or declaration under 37 CFR 1.131:

(A) All the inventors of the subject matter claimed.

(B) An affidavit or declaration by less than all named inventors of an application is accepted where it is shown that less than all named inventors of an application invented the subject matter of the claim or claims under rejection. For example, one of two joint inventors is accepted where it is shown that one of the joint inventors is the sole inventor of the claim or claims under rejection.

(C) \*\*> If a petition under 37 CFR 1.47 was granted or the application was accepted under 37 CFR 1.42 or 1.43, the affidavit or declaration may be signed by the 37 CFR 1.47 applicant or the legal representative, where appropriate.< .

(D) The assignee or other party in interest when it is not possible to produce the affidavit or declaration of the inventor. Ex parte Foster, 1903 C.D. 213, 105 O.G. 261 (Comm'r Pat. 1903).

In this case, the Attorney of record, and not the Inventors made the affidavit with no explanation to why the Inventors did not make one.

Furthermore, in the interest of assisting the Applicant in the timely prosecution of this case the Examiner will point another problem with the affidavit.

The evidence submitted is insufficient to establish a reduction to practice of the invention in this country or a NAFTA or WTO member country prior to the effective date of the [www.webcrawler.com](http://www.webcrawler.com) reference.

MPEP Section 715.07 States –

However, when reviewing a 37 CFR 1.131 affidavit or declaration, the examiner must consider all of the evidence presented in its entirety, including the affidavits or declarations and all accompanying exhibits, records and “notes.” An accompanying exhibit need not support all claimed limitations, provided that any missing limitation is supported by the declaration itself. Ex parte Ovshinsky, 10 USPQ2d 1075 (Bd. Pat. App. & Inter. 1989). The affidavit or declaration and exhibits must clearly explain which

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facts or data applicant is relying on to show completion of his or her invention prior to the particular date. Vague and general statements in broad terms about what the exhibits describe along with a general assertion that the exhibits describe a reduction to practice "amounts essentially to mere pleading, unsupported by proof or a showing of facts" and, thus, does not satisfy the requirements of 37 CFR 1.131(b). In re Borkowski, 505 F.2d 713, 184 USPQ 29 (CCPA 1974). Applicant must give a clear explanation of the exhibits pointing out exactly what facts are established and relied on by applicant. 505 F.2d at 718-19, 184 USPQ at 33. See also In re Harry, 333 F.2d 920, 142 USPQ 164 (CCPA 1964) (Affidavit "asserts that facts exist but does not tell what they are or when they occurred.").

The declaration made by the applicant, "In view of Exhibit A, the invention of pending claims 1-8 and 9-29 were reduced to practice prior to October 23 1996", amounts essentially to mere pleading, unsupported by proof or a showing of facts.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 5, 6, 8, 14, 18, 19, 20, 24, 25, 26, 27, 28, and 29 are rejected under 35 U.S.C. 102(a) as being anticipated by [www.webcrawler.com](http://www.webcrawler.com).

In regards to claim 1, WebCrawler teaches a computer with a data storage device including a computer usable medium having computer usable code to present a help window for a web page displayed on a monitor, the computer usable code comprising: first computer readable code to present a web page window on the monitor, wherein the web page window includes a web page obtained from a server (See Figure 1, it is inherent in WebCrawler that the web page come from a server); second computer readable code to receive a help request from a user for the web page (See Figure 2, Element 1). WebCrawler further teaches a third computer readable code to allocate a portion of the monitor for a help window in response to the help request (See Figure 2, If the user clicked on help, the web page changes to the help screen); and fourth computer readable code to present information to the user in the help window pertaining to the web page, wherein the information includes user- readable instructions that describe how to accomplish functions in the web page (See Figure 3, the web page describes and helps the user to accomplish better searches).

In regards to claim 5, WebCrawler does not explicitly teach that third and fourth computer readable code means are obtained from the server. However, it is inherent in WebCrawler that a web page help function will be obtained from the server.

In regards to claim 6, WebCrawler does not explicitly teach that the information in the help window is obtained by the computer in a file from the server. However, it is

inherent in WebCrawler that the information in the help window is obtained by the computer in a file from the server.

Claim 8 is in the same context as claim 1; therefore it is rejected under similar rationale.

Claim 14 is in the same context as claim 1; therefore it is rejected under similar rationale.

Claim 18 is in the same context as claim 6; therefore it is rejected under similar rationale.

Claim 19 is in the same context as claim 1; therefore it is rejected under similar rationale.

In regards to claim 20, WebCrawler teaches a computer program device wherein the program is further to cause the digital processing apparatus to present the help window in response to a user-generated help signal (If the user presses on Figure 1, Element 1, Figure 2 with the help options will come up on the screen).

Claim 24 is in the same context as claim 1; therefore it is rejected under similar rationale.

Claim 25 is in the same context as claim 1; therefore it is rejected under similar rationale.

In regards to claim 26, WebCrawler teaches a computer further comprising fifth computer readable code to request a help web page from the server in response to the help signal, wherein the help web page includes the help information (See Figure 1, Element 1).

Claim 27 is in the same context as claim 1; therefore it is rejected under similar rationale.

In regards to claim 28, WebCrawler teaches a method wherein the application comprises a web browser (See Figure 1); and wherein the application window comprises a web page obtained from the internet sever (See Figure 1).

In regards to claim 29, WebCrawler teaches a method wherein the help window comprises a web browser (See Figure 1), and wherein the help information comprises a web page containing user-readable instructions that describe how to accomplish functions in the application (See Figure 3).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.



Claims 2, 3, 4, 7, 10, 11, 12, 13, 15, 16, 17, 21, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over [www.webcrawler.com](http://www.webcrawler.com) in view of Dazey et al. (US 5715415).

In regards to claim 2, WebCrawler teaches all the limitations of claim 1. WebCrawler does not teach that the help window is displayed simultaneously on the monitor with at least a portion of the web page. Dazey teaches, "The graphical window containing the application is partitioned to define a help pane which shows the help content. The help pane is integrated into and appears positioned adjacent to a workspace to assist the user with context specific, step-by-step, instructions." (Column 2, Line 18). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify WebCrawler with the teachings of Dazey and separate the web page and the help screen into two separate windows and place them adjacent to each other with the motivation to make it easier for the user to follow the instructions provided in the help window and at the same time performing the instructions on the main window.

In regards to claim 3, WebCrawler and Dazey teach all the limitations of claim 1. WebCrawler does not teach that the help window further includes a help frame and a table of contents frame contiguous to the help frame. Dazey teaches that the help window further includes a help frame and a table of contents frame contiguous to the help frame (Figure 6, Element 92).

In regards to claim 4, WebCrawler and Dazey teach all the limitations of claim 3. WebCrawler does not teach a navigation frame contiguous to at least one of the table of

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contents and the help frame. Dazey teaches a navigation frame contiguous to at least one of the table of contents frame and the help frame (Figure 6, Element 92).

In regards to claim 7, WebCrawler and Dazey teach all the limitations of claim 5. WebCrawler does not teach a table of contents frame that presents hypertext help files pertaining to the web page. Dazey teaches, "the help pane 70 is expanded to provide an index area 92 which shows the index to the help content. This index allows the user to easily switch to other related help topics." (Column 6, Line 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify WebCrawler with the teachings of Dazey and include links to help topics with the motivation to allow the user to quickly switch to different help topics.

Claim 10 is in the same context as claim 2; therefore it is rejected under similar rationale.

Claim 11 is in the same context as claim 3; therefore it is rejected under similar rationale.

Claim 12 is in the same context as claim 4; therefore it is rejected under similar rationale.

Claim 13 is in the same context as claim 7; therefore it is rejected under similar rationale.

Claim 15 is in the same context as claim 2; therefore it is rejected under similar rationale.

Claim 16 is in the same context as claim 4; therefore it is rejected under similar rationale.

Claim 17 is in the same context as claim 7; therefore it is rejected under similar rationale.

Claim 21 is in the same context as claim 2; therefore it is rejected under similar rationale.

Claim 22 is in the same context as claim 3; therefore it is rejected under similar rationale.

In regards to claim 23, WebCrawler and Dazey teach all the limitations of claim 22. WebCrawler does not teach a computer program device wherein the program is further to cause the digital processing apparatus to present in the help window a navigation frame contiguous to at least one of the table of contents frame and the help frame, the table of contents frame presenting hypertext links to hypertext files pertaining to the web page. Dazey teaches a navigation frame contiguous to at least one of the table of contents frame and the help frame (Figure 6, Element 92). Dazey further teaches, "the help pane 70 is expanded to provide an index area 92 which shows the index to the help content. This index allows the user to easily switch to other related help topics." (Column 6, Line 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify WebCrawler with the teachings of Dazey and include a navigation frame and hypertext links with the motivation to provide the user a convenient way to access different help topics.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-8 and 10-29 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues:

- A. The references teach away from the proposed combination.
- B. The cited references do not suggest the desirability of the proposed combination.

In regards to argument (A), the applicant begins the argument with an assertion that claim 1 requires at least two windows. The Examiner would like to point out that this limitation is not specifically stated in claim 1. Therefore, this argument is moot.

In regards to argument (B), the Examiner would like to point out that there is strong and clear evidence to combine the two references. Diaz teaches, "Another problem experienced by users is that the separate help window causes loss of focus and attention to the primary window. A window is said to have "focus" when it is active and currently designated to receive the user input from the keyboard or mouse. To navigate in a help window, the help option is activated and focus is transferred from the application window to the help window. This shift of focus makes it confusing for the user to implement the help instructions. As the user attempts to follow the simple directions for a help topic, the efforts are not effective because the keystrokes referenced in the help window are only valid when the application window has the focus." (Column 1, Line 44). This is an example of a problem that Diaz's invention cures. It would have been obvious to one of ordinary skill in the art (i.e. a programmer)

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at the time of the invention to modify webcrawler with the teachings of Diaz to alleviate the troubles of switching between different windows.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

### ***Inquiry***

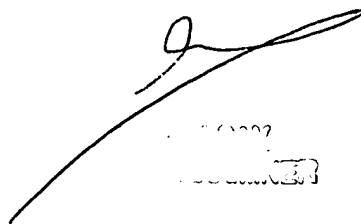
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Pesin whose telephone number is (571) 272-4070. The examiner can normally be reached on Monday-Friday except every other Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BP

A handwritten signature in black ink, consisting of a stylized 'Q' followed by a long horizontal stroke. Below the signature is a faint, rectangular stamp with some illegible text.